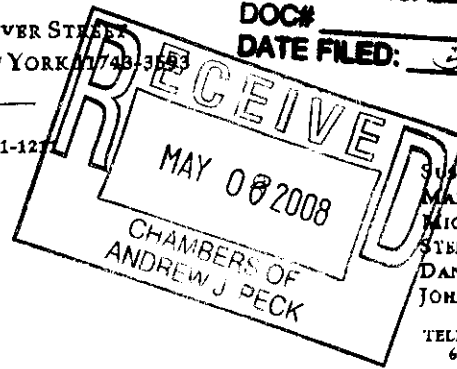


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May 8, 2008

VIA FAX - 212-805-7933

Honorable Andrew J. Peck
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1370
New York, N.Y. 10007-1212

Re: O'Grady v. Butler, et al
Case No: 07-CV-8207 (VM)
Our File No: 07-5288

MEMO ENDORSED 5/8/08
*20 PTO is due due 5/30 (by noon).
It must be put. My secretary will
not count 170 words.*

BY FAX

SO ORDERED:

[Signature]
Hon. Andrew Jay Peck
United States Magistrate Judge

Dear Magistrate Judge Peck:

We previously advised that we would file a summary judgment motion on behalf of the defendants Butler. This letter is to advise that we will not be filing a summary judgment motion.

Very truly yours,

MARTIN, FALLON & MULLÉ

[Signature]

BY: Richard C. Mullé
Extension 107

RCM:vc

CC: Jaroslawicz & Jaros VIA FAX 212-227-5090
Marjorie Bornes VIA FAX 212-857-8210

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: May 8, 2008

Total Number of Pages: 2

TO	FAX NUMBER
Jeffrey L. Koenig, Esq.	212-227-5090
Richard C. Mulle, Esq.	631-421-5439
Marjorie E. Bornes, Esq.	212-857-8210

TRANSCRIPTION:

MEMO ENDORSED 5/8/08

The PTO is now due 5/30 (or sooner). It must be joint. My secretary will email counsel my PTO models.